

NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 20755

NSA review
completed

Serial: N0375
3 April 1981

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open F80-0802
closed - F80-0365
F80-1396
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The Honorable William French Smith
The Attorney General
Department of Justice
Washington, DC

Dear Mr. Attorney General:

(U) In August 1979, Mr. V. James Bamford, an author purportedly writing a history of the National Security Agency (NSA), revealed to an NSA employee his possession of a document released to him under the Freedom of Information Act (FOIA) by the Department of Justice. The document is a series of reports concerning Department of Justice inquiries into CIA and NSA related electronic surveillance activities.

(S-) The release of this document was not coordinated with NSA even though the information contained in the document had originally been furnished by NSA. We understand the reason for this may have been a presumption that the data actually released to Mr. Bamford had previously been made available to the public by the Church Committee (Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities). Unfortunately, in fact, much of the information in the report had not previously been made public, and there are more than 30 items of currently classified information contained in the document released to Mr. Bamford.

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(U) On 20 August 1979, my predecessor, Admiral Inman, sent a letter to Attorney General Civiletti (Attachment A) noting our concern over this unilateral release. No response was ever received to that letter despite a number of inquiries to the Justice Department staff. Recent events now require that I again bring this matter to the attention of the Attorney General.

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(U) In view of the serious consequences which may derive from the FOIA disclosure made by Department of Justice, I respectfully request that Mr. Bamford be contacted immediately by Department of Justice officials to retrieve the document released to him under the FOIA, and any copies he may have made, and to ascertain whether he has disclosed the information to third parties. I also request that he be briefed that portions of the information remain classified and that his retention or disclosure of such information could result in his prosecution under 18 U.S.C. §§793 or 798.

(U) I also request that the Department of Justice investigate the circumstances of this release and the internal Department of Justice procedures for handling SIGINT material, especially in the context of FOIA requests. I am prepared to assist you in any way possible in that investigation and I would appreciate being informed of the results. If you desire any additional information in this regard, please call me or the Agency General Counsel, Daniel C. Schwartz (688-6705).

Sincerely,



LINCOLN D. FAURER
Lieutenant General, USAF
Director, NSA/Chief, CSS

Encls:

a/s

Copy Furnished:

Secretary of Defense

Director of Central Intelligence

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